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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,202	03/29/2001	Martin A. Kenner	56099US002	5376

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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/821,202

Applicant(s)

KENNER ET AL.

Examiner

Prieto Beatriz

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



***DETAILED ACTION***

1. This communication is in response to Application No. 09/821,202 filed, claims 1-71 have been examined.

***Claim Rejection under 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,555,775 Pike.

Regarding claim 1, Pike teaches substantial features of the invention, including, a method/system of Figs. 1-3 performed at a content recipient (25) comprising:

executing first program code (13) at the content recipient (25) for receiving data “content” from a data content provider (24) (col 2/lines 53-col 3/line 3), said content displayable at said content recipient in layers each corresponding executing second program code (10) (col 1/lines 55-68); and

executing second program code (10) at the content recipient for displaying the received content (col 3/lines 15-25, 40-47 and col 5/lines 50-55); and

displaying the received content at the content recipient behind a displayed layer(s) representing a session (Figs. 2-3) when said session is currently being the focus of recipient’s attention (i.e. “active”) (col 3/lines 35-47, and col 2/lines 3-11).

Regarding claim 2, executing third program code (10) at the content recipient for displaying unobscure content while displaying partially obscure content so as to expose below the partially obscure content, i.e. “burn the content through” the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11).

***Claim Rejection under 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-19, 22-50, and 53-71 are rejected under 35 U.S.C. 103(a) as being obvious over Pike in view of U.S. Patent No. 6,557,026, STEPHENS, Jr. (Stephens hereafter)

Regarding claim 3, Pike teaches an executing third program code (10) at the content recipient so as to display a content “notifier” over the session even if the session is active, (Figs. 2-3, col 3/lines 35-39, and col 2/lines 3-11); however Pike does not explicitly teach wherein the notifier indicates that the content is available for display.

Stephens discloses a notice system (200), including an executing first program code (114) at a content recipient (112) for receiving content from a content provider (118) over the network (116) (Fig. 1, col 4/lines 33-col 5/line 7), including

displaying a notice “notifier” indicating that content is available for display, automatically without user intervention (Stephen: col 7/lines 5-60) further including, executing a program code at the content recipient for displaying content behind a session (Stephen: col 6/lines 17-35).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Pike for displaying content partially obscured, i.e. behind a session, when the user is interacting with a window displayed totally unobscured, overlapped or overlaid over other windows, i.e. active or currently operating sessions, between interacting computer programs exchanging data over a communication data link. Including windows or bitmaps displays, that may include icons, wherein the windows are stackable (changeable in layering front-to-back positions), scalable (changeable in size) and translation modifiable (change in position), the teachings of Pike for displaying content including windows the may be minimized to an icon, overlaid in front of other windows or under-layed behind other windows currently displayed, would be readily apparent. One would be motivated to present a user with customized delivery of information as it becomes available from multiple sources in audible, HTML format, text, graphics, or links, without requiring user to take any action, not limited to use preferences noteworthiness, specified importance, expiration date, and/or urgency.

Regarding claim 4, executing fourth program code (Pike: 10 of Fig. 1) at the content recipient so as to burn the content through the session in response to selection of the notifier in order to visibly display the content to a user. (Pike: Figs. 2-3, col 3/lines 35-47, col 2/lines 3-11, Pike: Notifier col 7/lines 5-60, burning the content through col 6/lines 17-35).

Regarding claims 5-6, the notifier is an icon (Pike: col 7/lines 28-30, Stephen: col 6/lines 26-35), receiving "electronically" (i.e. transmission of data over a communication link) at the content recipient from the content provider (Pike: col 3/lines 20-25, 44-47, col 5/lines 50-55).

Regarding claim 7, visibly display the content to a user by automatically displaying partially obscure content so as to expose below the partially obscure content, i.e. "burn the content through" the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11, col 3/lines 35-47).

Regarding claims 8-12, "burn the content through" the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11, col 3/lines 35-47) upon receipt of the content (Stephens: col 7/lines 5-60); upon selective subject matter of the content identified via users preference (Stephens: col 7/lines 5-60); upon an identity of a selectively predetermined the content provider (Stephens: col 7/lines 5-60); upon receipt of the content as the content becomes available (Stephens: col 7/lines 5-60), in response to a user request, i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

Regarding claims 13-18, visibly display the content to a user by automatically layering the content over the session (Pike: Fig. 2-3 and, Stephens: col 6/lines 26-35), upon receipt of the content (Stephens: col 7/lines 5-60), upon selective subject matter of the content identified via users preference (Stephens: col 7/lines 5-60); upon an identity of a selectively predetermined the content provider (Stephens: col 7/lines 5-60); upon receipt of the content as the content becomes available (Stephens: col 7/lines 5-60), in response to a user request, i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

Regarding claims 19, and 22-24, connect or associate "attach" the content to a screen location "attachment site" (e.g. window) automatically upon receipt of the content (Pike: screen location and/or position, col 7/lines 10-35, position of the layer on the screen, col 10/lines 20-24), attachment site is a document (Stephen: col 8/lines 36-54), desktop, i.e. computer (Stephen: col 5/lines 45-50).

6. Claims 20-21 and 51-52 are rejected under 35 U.S.C. 103(a) as being obvious over Pike in view Stephens in further view of U.S. Patent No. 6,131,096 Ng et. al. (Ng hereafter)

Regarding claims 20-21, 51-52, however the above-mentioned references do not explicitly teach where the screen or display location "attachment site" is a calendar and address book.

Ng teaches executing a program code (e.g. a browser or Outlook) at the content recipient for receiving content from a content provider and displaying the content recipient to the user (Fig. 4), received content including a calendar and address book display/storage locations on screen (Fig. 8).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Pike for receiving content from a content provider including two computer exchanging messages over interactive programs, client server as well as email and instant messages environment would be readily apparent, including the teachings of Ng receiving content from a content provider, by a content recipient. One would be motivated to designate workspace data to be retrieved from the content provider, such as selecting data update/maintained by the Outlook™ (email) address book for synchronization with the content provider services, further including calendar, bookmarks and other workspace data types such as files, financial transactions, etc. from their respective service providers, as suggested by Ng.

Regarding claims 25-26, layer the content over the session in order to visibly display the content to a user (Pike: Figs. 2-3, overlay and thus obscure partially or totally other layers, col 3/lines 53-23, Stephen: overlay see col 6/lines 26-35), in response to a user request "content recipient", i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

Regarding claims 27-29, display a notifier indicating that the content is available for display (Stephen: col 7/lines 5-60), notifier comprises an audible notices (Stephen: col 3/lines 37-41), the notifier comprises a visual notifier (Stephen: col 7/lines 13-25).

Regarding claim 30, a computer readable storage medium, the computer readable storage medium storing program code which, when executed by a computing device, performs the following functions:

automatically initiating a request to receive content from a content provider for receiving the content from the content provider in response to the request ((Stephen: col 7/lines 5-60, pull see col 9/lines 66-col 10/line 10); and displaying the content behind a session (Stephen: col 6/lines 26-35) if the session is active, i.e. displaying the received content at the content recipient behind a displayed layer(s)

representing a session (Fig. 3) when said session is currently being the focus of recipient's attention (i.e. "active") (Pike: col 3/lines 35-47, and col 2/lines 3-11).

Regarding claims 31-50 and 53-58, these computer readable storage medium claims, wherein execution of the program code performs functions substantially the same as those discussed on the method claims 2-29, same rationale of rejection is applicable.

Regarding claim 59, this method claim is substantially the same as the method claims 1 and the display of the notifier on claims 3-4 and the display of a notifier that indicated that content is available, i.e. "post", , downloaded automatically from the content provider, claim 30, taught by Stephen polling mechanism (i.e. access, initiate receipt, receive and display), same rationale of rejection is applicable.

Regarding claims 60-71, these method claims comprise substantially the same features and/or limitations as addressed on claims 2-29, same rationale of rejection is applicable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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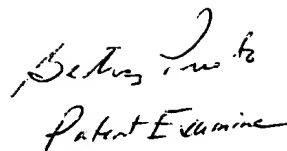
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Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.



B. Prieto  
TC 2100  
Patent Examiner  
February 11, 2005



Patricia L. Smith  
Patent Examiner